

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Blue Spike, LLC,

Plaintiff,

v.

Texas Instruments, Inc., et al.,

Defendants.

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

Blue Spike, LLC,

Plaintiff,

v.

Tygart Technologies, Inc.,

Defendant.

CASE NO. 6:13-cv-84 MHS

CONSOLIDATED CASE

Jury Trial Demanded

**Declaration of Scott Moskowitz in Support of Plaintiff Blue Spike LLC's Opposition
to Defendants' Motion to Dismiss or Transfer**

I, Scott Moskowitz, declare as follows:

1. I am the Chief Executive Officer of Blue Spike LLC, a Texas limited liability company.

2. I am one of the inventors of all four patents-in-suit. I have on worked for years to commercialize a successful product based on these patents.

3. I am domiciled at 433 S. Chilton Avenue, Unit 3, Tyler, Texas 75702. I also own a condominium in Florida, where I live part time in order to receive medical treatments that I cannot receive elsewhere.

4. Blue Spike has its headquarters and principal place of business at 1820 Shiloh Road, Suite 1201C, Tyler, Texas 75703.

5. Blue Spike's computer servers, and sources of proof are located in Tyler, Texas. Blue Spike has its server located at the Tyler Vault in Tyler, Texas.

6. Blue Spike plans to call witnesses from Texas, including me.

7. Blue Spike has no offices, no employees, no customers, and no other meaningful contacts in the Northern District of West Virginia.

8. Litigating this action in the Northern District of West Virginia would be very difficult for me due to my medical condition.

9. Litigating this action in the Northern District of West Virginia would be extremely inconvenient, expensive, and burdensome for Blue Spike.

10. A transfer would dramatically increase the costs of litigation for Blue Spike, a small start-up company, and would increase the amount of time that Blue Spike's witnesses and employees would have to spend litigating the case.

11. A transfer would cause serious hardship for me personally, as I suffer from a medical condition that makes it very painful to travel long distances.

12. I have never traveled to West Virginia for business or to meet with members of Blue Spike's legal team, which has offices only in Texas and San Francisco Bay Area. The only meetings related to this litigation that Blue Spike employees and I have attended have all taken place in Tyler, Texas. I have attended a mediation concerning the patents-in-suit with another defendant in Dallas Texas before Retired Judge Folsom.

I declare, on April 26, 2013, in Smith County, Texas, and under penalty of perjury under the laws of the United States and Texas, that the statements made in this declaration are true and correct.

/s/ Scott Moskowitz
Scott Moskowitz

ATTESTATION

I, Randall Garteiser, am the ECF user filing this document with the permission of the signer above, Scott Moskowitz. A true and correct copy of this signed document is being maintained at the law firm of Garteiser Honea, P.C.

/s/ Randall Garteiser
Randall Garteiser